

REMARKS

Claim 38 has been amended, and new claims 40 to 43 have been submitted.

Claims 1, 2, 4, 21, 22 and 24-33 and 35-43 remain pending in the application

In the last office action, the Examiner indicates that claims 1, 2, 4, 21, 22, 24-33, 35-37 and 39 are allowed.

Claim 38 stands rejected under 35 U.S.C. §103(a) based upon a combination of Watkins (US 5,305,483) in view of Hurley (US 2,826,244), and further in view of Frankenberg (US 4,326,310).

Claim 38 has been amended. Reexamination and reconsideration are respectfully requested in view of the amendment and the remarks that follow.

Neither Watkins nor Hurley teaches or suggests a flexible laminated sheet material for covering a mattress, as defined in amended claim 38, comprising an air-permeable flexible, textile first layer and a substantially air-impermeable second layer that is laminated to one face of the first layer, that makes direct contact with the body of a person lying on the mattress, and that has a set of outlet air perforations. Watkins provides an infant bed with a mattress and a pillow with a lower plenum chamber and upper permeable foam layer. There is no teaching or suggestion in either Watkins or Hurley that a textile could be used as an air-impermeable layer, as defined in amended claim 38.

Neither Watkins nor Hurley teaches or suggest means for directing the airflow from an air supply source through the first layer in a direction parallel to a surface of the second layer and transverse to the second layer through the outlet perforations in the second layer, such that the airflow through the air inlet displaces air from the first layer through the outlet perforations to circulate air through the first layer.

Furthermore, the pillow with the air permeable foam layer in Watkins does not comprise a flexible laminated sheet material for covering the mattress, as defined in amended claim 38. It's a pillow, period. Likewise, neither Hurley (a car seat cushion) nor Frankenburg (a mattress pad) teaches or suggests a flexible laminated sheet material for covering the mattress, as defined in amended claim 38.

Still further, Watkins' pillow is, by purpose, made special. Watkins' special pillow provides an air flow, not shared by the mattress, to keep the head of the infant "in healthy repose" in the air flow coming only out of the pillow. Watkins does not teach, suggest, or contemplate air flow beyond the pillow and parallel to the body of the infant lying on the mattress. There is a reason for this. The placement of Hurley-like air channels, as the Examiner suggest, extending through and beyond the pillow across the infant bed mattress, would render Watkin's special pillow useless for its intended function. This is because the desired outflow of air only at the special location of the pillow would be no longer occur. Why would Watkins want to do that? The answer is that he wouldn't.

The Examiner's proffered modification of Watkins is not taught, suggested, or contemplated by Watkins or Hurley, and the combination is justified only by hindsight using applicant's invention as a blueprint. Frankenberg adds nothing by way of incentive for Watkins to provide a laminated sheet material conducive to carry air flow beyond the special pillow region.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 1, 2, 4, 21, 22 and 24-33 and 35-43 are respectfully requested.

Respectfully Submitted,

By

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